

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION -- DIVISION OF FINANCIAL ASSISTANCE
December 13, 2006**

ITEM 6

SUBJECT

CONSIDERATION OF A RESOLUTION COMMITTING CLEAN BEACHES INITIATIVE (CBI) GRANT FUNDS TO THE CITY OF OCEANSIDE (CITY) FOR THE LOMA ALTA CREEK ULTRAVIOLET LIGHT (UV) TREATMENT FACILITY (PROJECT); CBI GRANT PROGRAM; CBI PROJECT NO. 312

DISCUSSION

In accordance with the authority established in the Clean Beaches Program of the *Watershed, Clean Beaches, and Water Quality Act (Act)* (Public Resources Code, §30901, Chapter 3), the State Water Resources Control Board (State Water Board) can award grants up to \$5 million per project to local agencies and non-profit organizations to implement projects that restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters. In addition to meeting the objective of the Act, all projects receiving grants from the Clean Beaches Program are required to meet the following criteria:

- (a) projects shall be consistent with California's Nonpoint Source Control Program;
- (b) projects shall demonstrate the capability of contributing to sustained, long-term water quality or environmental restoration or protection benefits for a period of 20 years;
- (c) projects shall address the causes of degradation, rather than the symptoms;
- (d) projects shall be consistent with water quality and resource protection plans prepared implemented, or adopted by the State Water Board, the applicable Regional Water Quality Control Board (Regional Water Board), and the State Coastal Conservancy (SCC);
- (e) projects shall be reviewed by the State Water Board in consultation with the SCC and the Clean Beaches Task Force (CBTF) appointed by the State Water Board to review projects and make recommendations for grant funding;
- (f) applicants shall inform the State Water Board of any necessary public agency approvals, entitlements, and permits that may be necessary to implement the project, and applicants shall certify to the State Water Board at the appropriate time that such approvals, entitlements, and permits have been granted;
- (g) projects shall be consistent with recovery plans for coho salmon, steelhead trout, or other threatened or endangered aquatic species;
- (h) applicants shall be required to submit to the State Water Board a Monitoring and Reporting Plan;
- (i) upon completion of the project, the recipient of the funds shall submit a report to the State Water Board that summarizes the completed activities and indicates whether the purpose of the project has been met;
- (j) the State Water Board must provide opportunity for public review and comment in awarding the funds; and
- (k) grant funds can only be used for the costs of construction or acquisition of capital assets as specified in Section 16727 of the Government Code.

For ease of implementation, the State Water Board divided the funding solicitation into two phases. In the second funding phase, the CBTF recommended, and the State Water Board adopted, a Competitive Location List (CLL) on April 21, 2005 (Resolution No. 2005-0028). The CLL was designed to target specific beaches that are known to have persistent bacterial water quality problems such as a beach that is frequently or permanently posted with signs warning beachgoers of the risks associated with exposure to beach waters. The CBTF has recommended all of the \$22.2 million available for Phase Two projects.

This Project involves the construction of a filtration and UV treatment facility to be located adjacent to the Loma Alta Creek outlet in the existing La Salina Wastewater Treatment Facility. One hundred percent of

the dry weather creek flows will be intercepted at the outlet and diverted to the UV treatment facility located on the northern bank of the creek. The treatment facility will be housed within a reinforced masonry building. The Project, once completed, will capture up to 1,000 gallons per minute of urban runoff, treat it, and discharge it in the surf zone on Buccaneer Beach via a pipe that will extend along the existing section of rip-rap that runs along the north side of the Loma Alta Creek outlet. During wet weather months (December through March), the lagoon will be open to allow the free flow of storm water to the ocean, bypassing the UV facility.

The effectiveness of the Project will be measured according to an approved Monitoring and Reporting Plan, and the results will be reported in a Final Project Report. The infrastructure will be designed to have a minimum useful life of 20 years, and will be incorporated into the City's Maintenance Management Program.

The CBTF reviewed the City's proposal and recommended the Project for funding at the November 6, 2006 meeting. The City will adopt a Resolution designating an authorized representative for the Project.

The City will prepare a Mitigated Negative Declaration for the Project as part of the grant agreement. No work identified in the agreement that is subject to California Environmental Quality Act will proceed until the City has received environmental clearance from Division of Financial Assistance staff.

FISCAL IMPACT

The Act appropriated \$43.7 million to the CBI Program for grants up to \$5 million per project to restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters. This Project will be funded by the CBI Program, and will have the following fiscal impact.

Proposition 40 Funding	\$ 43,700,000
Total Previous Commitments	\$ 37,967,123
Orange County Baby Beach*	(\$ 1,000,000)
Funds Available for Current Commitments	\$ 6,732,877

*Orange County declined the CBI funding commitment approved in Board Resolution 2006-0055.

State Water Board Funding Commitments for December 2006:

City of Oceanside, CBI Grant #312	\$ 5,000,000
<u>Santa Cruz County Sanitation District,</u>	<u>\$ 1,732,877</u>
<u>CBI Grant #321</u>	
Funds Remaining for Future Commitments	\$ 0

REGIONAL WATER BOARD IMPACT

The San Diego Regional Water Board has reviewed the Project and determined that it is consistent with existing water quality control plans.

POLICY ISSUE

Should the State Water Board approve CBI grant funding for the City's Proposed Project?

STAFF RECOMMENDATION

That the State Water Board approve a CBI grant commitment of \$5,000,000 for the City's Project.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 -**

APPROVAL OF A RESOLUTION COMMITTING CLEAN BEACHES INITIATIVE (CBI) GRANT FUNDS TO THE CITY OF OCEANSIDE (CITY) FOR THE LOMA ALTA CREEK ULTRAVIOLET LIGHT TREATMENT FACILITY (PROJECT); CBI GRANT PROGRAM; CBI PROJECT NO. 312

WHEREAS:

1. The *Watershed, Clean Beaches, and Water Quality Act* (Act) (Public Resources Code §30901) was signed into law on September 20, 2002. The Act appropriated \$46 million from Proposition 40 for additional CBI grants to help non-profit organizations and public agencies implement projects that protect and restore California's coastal water;
2. The CBI funds appropriated in the Act are available for encumbrance up to December 31, 2006;
3. The State Water Resources Control Board (State Water Board), on April 21, 2005, adopted the CBI Competitive Location List which included Buccaneer Beach;
4. The Clean Beaches Task Force reviewed the City's proposed Project and recommended it for funding at its November 6, 2006, meeting; and
5. The City will prepare a Mitigated Negative Declaration for the Project as part of the grant agreement. No work identified in the agreement that is subject to California Environmental Quality Act will proceed until the City has received environmental clearance from Division staff.

THEREFORE BE IT RESOLVED THAT:

The State Water Board approves a grant for the City's Project not to exceed \$5,000,000 from the Act.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on December 13, 2006.

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Clerk to the Board